

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-10 are pending in this application. Claims 1-10 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2002/0046407 to Franco.

Initially, applicant and applicants' representative wish to thank Examiner Parry and Supervisory Examiner Grant for the interview granted applicants' representative on June 13, 2006. During the interview the outstanding rejections were discussed in detail. Further, during the interview claim amendments to clarify claim features were also discussed. The present response sets forth the discussed claim amendments and comments presented to the allowability of the claims over the applied art. The examiners indicated such amendments appear to address the current rejections, but would raise new issues requiring further consideration and/or search, and would need to be subject to an update search.

Addressing the above-noted rejection, that rejection is traversed by the present response.

The claims are directed to an information processing apparatus that can make it easier to program a recording device. With respect to Figure 1 in the present specification as a non-limiting example, an information processing apparatus such as a computer 5, cell phone 1, or PDA 2 can operate to program a VCR 12 so that the VCR 12 records a specific program at a specific time. Such information processing apparatuses 1, 2, 5 can, under a user control, access a server, such as server 8, which stores an electronic program guide (EPG). Such information processing apparatuses 1, 2, 5 under a user control can access the EPG on the server 8 and download information of a program desired to be recorded, which information can then be provided to a remote recording device 12 so that the recording device can perform the recording. Such an operation provides an enhanced and simplified way for a user

of the information processing apparatuses 1, 2, 5 to select a program to be recorded and to have the recording device 12 record the selected program.

According to features in the claimed invention, an information processing apparatus acquires, under a user control, the control information for controlling recording of a program from a remote program information providing apparatus, converts that information into code information, and transmits the code information to the remote recording apparatus. The claimed features are believed to clearly distinguish over the applied art to Franco.

The claims are amended by the present response to clarify features recited therein. Specifically, independent claim 1 clarifies the use of a “user controlled acquisition means”. According to claim 1 a “control means” includes an “acquisition means” that is operated by a user and that can access, as further clarified in the claims, a “remote program information providing server based on a user request to access the remote program information providing server”. That subject matter is fully supported by the original specification, for example in Figure 1 the PDA 2, mobile phone 1, and computer 5 all operate under a user control to access a server, such as server 8, that stores an electronic program guide (EPG).

Franco is directed to a different type of device than the claimed invention and has different objectives than the claimed invention.

Franco discloses for example in Figure 1 a user 110 that can access a host system 102. That host system 102 provides information for control of a video recording device or system 120. However, Franco differs from the claimed invention in that in Franco the host system 102 sends programming data 108 directly to the video recording device or system 120. That is, in Franco the host system 102, not the user device 110, controls the recording of the video recording device or system 120.

The claim requires a different operation.

In the claimed invention, the same information processing apparatus that accesses the remote program information providing apparatus and that acquires the control information under a user control, also converts the control information into code information, and that same information processing apparatus also includes a transmission device that sends the code information to the recording apparatus. For example in Figure 1 in the present specification the computer 5, mobile phone 1, or PDA 2 acquire control information from a remote information providing apparatus 8 for recording, under a user controlled request, convert that control information into code information, and transmit that code information to a remote recording apparatus. Franco does not operate in that manner.

The basis for the outstanding rejection now cites Figure 7 in Franco to meet the claim features and notes that Franco discloses an acquisition means 704, which can be similar or identical to the client communication module 524 shown in Figure 5. However, applicants submit the basis for the outstanding rejection is misconstruing the teachings in Franco relative to the claimed invention.

Franco states with respect to Figure 5 and the client communication module 524 that “the client control module 520 preferably includes a client communication module 524, which *receives transmissions from the host system 102*”.¹

In view of that disclosure in Franco, it is clear that in Figure 7 in Franco the client communication module 704 is provided to *receive signals from the host system 102*.

The claims require a different operation than in Franco.

With reference to Figure 1 in Franco, a user 110 can access a host system 102. Clearly in Franco that user 110 corresponds to the claimed “user controlled acquisition means” as recited in independent claim 1, or similar element or operation in the other independent claims. However, it is clear that in Franco the user device 110 does *not* perform

¹ Franco at page 8, prenumbered paragraph [0092], lines 7-10 (emphasis added).

a conversion of control information that can control a preset recording of a program, and does **not** control a transmission of code information to a recording apparatus. In Franco the host system 102 performs the conversion of the control information and the transmission of the code information.

In the claimed invention the same information processing apparatus performs all the functions of acquiring, conversion, and transmission. For example in Figure 1 in the present specification each of the computer 5, mobile phone 1, or PDA 2 includes elements for acquiring control information by accessing a remote program information providing server based on a user request, converting contents in the control information, and transmitting the control information. Franco has no such corresponding element that operates in that manner.

Franco operates such that the user 110 includes the user controls to access the remote program information providing server, i.e., host system 102. In Franco the user 110 then does **not** perform a conversion or transmission, but instead the host system 102 performs that conversion and transmission and sends the information to the client control module 704. Thus, the client control module 704 in Franco is not the “user controlled acquisition means” or similar device recited in the claims.

The claimed invention also provides a benefit with respect to the device of Franco in that in the claimed invention the recording apparatus does not have to be connected to a host system. That is, in Franco the video recording device system 120 must be connected to the host system 102 for recording. In the claimed invention the recording apparatus does not have to have any such connection. For example as shown in Figure 1 of the present specification the recording device 12 has no connection to the EPG server 8, and receives its recording information directly from an information processing apparatus such as the computer 5, cell phone 1, or PDA 2.

In view of these foregoing comments, applicants respectfully submit each of claims 1-10 distinguishes over Franco.

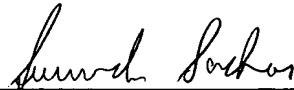
As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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